

### **Remarks/Arguments**

Reconsideration of this application is requested.

#### **Specification**

The specification is corrected as suggested to overcome the objections to various informalities noted in the Action. The abstract is amended to be in a single paragraph in the range of 50-150 words.

#### **Claim Status**

Claims 1-20 were previously presented, are amended and remain pending.

#### **Claim Objections**

Claims 15, 16 and 9-11 are amended as suggested to overcome the objections noted in the Action.

#### **Claim Rejections – 35 USC 112**

Claims 1, 2, 5, 6, 15-17, 19 and 20 are rejected under 35 USC 112, second paragraph, as indefinite. In response, the claims are amended as suggested in the Action. In addition, additional informalities in these and other claims are corrected.

#### **Claim Rejections – 35 USC 102**

Claims 1-4, 15, 16 and 19 are rejected under 35 USC 102(e) as anticipated by Mehta et al. (US 6,819,750). Independent claims 1, 2, 15 and 19 are directed to the embodiment shown in applicant's Fig. 1. Image data is transmitted from FAX1 to FAX2 either *directly* through the public switched telephone network (FAX1→PSTN→FAX 2) or *indirectly* through the public switched telephone network, the gateway device and the computer communication network (FAX1→PSTN→GTW1→NTW→GTW2→ PSTN→FAX 2). The transmission path selection between one of these two options is based on discrimination information.

Independent claims 1, 2, 15 and 19 are amended to clarify this functionality. Claim 1, for example, now recites:

...a means for transmitting an image data to said communication device either directly through the public switched telephone network, or indirectly through the

public switched telephone network, said gateway device,  
and the computer communication network, based on  
discrimination information.

Independent claims 2, 15 and 19 are amended in a similar fashion.

In Mehta, by contrast, all communications between sending and receiving  
faxes 10 and 12 proceed through the PSTN, Internet 14 and sending and receiving  
gateways 16 and 18. There is no disclosure of an alternative transmission path  
between sending and receiving faxes 10 and 12 that utilizes only the PSTN, as is  
required by claims 1, 2, 15 and 19. There is also no disclosure of selecting one of  
these transmission paths ("either") based on discrimination information.

Since Mehta does not disclose each and every element of claims 1, 2, 15 and  
19, it cannot anticipate those claims or claims 3, 4 and 16 dependent thereon. The  
rejections of claims 1-4, 15, 16 and 19 under 35 USC 102(e) should be withdrawn.

#### **Claim Rejections – 35 USC 103**

##### *Claims 5, 6, 12, 17 and 20 (Mehta and Onuma)*

Claims 5, 6, 12, 17 and 20 are rejected under 35 USC 103(a) as obvious over  
Mehta in view of Onuma (US 6,542,472). Independent claims 5, 6, 17 and 20 are  
directed to the embodiment shown in applicant's Fig. 6. Image data is transmitted  
from FAX1 to FAX2 either *directly* through the public switched telephone network  
(FAX1→K→P→PSTN→FAX 2) or *indirectly* through the computer communication  
network and the public switched telephone network (FAX1→NTW→PSTN→FAX 2).  
The transmission path selection between one of these two options is based on  
discrimination information.

Independent claims 5, 6, 17 and 20 are amended to clarify this functionality.  
Claim 5, for example, now recites:

...a means for transmitting an image data to a destination  
either directly through the public switched telephone  
network or indirectly through the computer  
communication network and the public switched

telephone network based on discrimination information of the destination of the image data.

Independent claims 6, 17 and 20 are amended in a similar fashion.

In Mehta, as discussed above, all communications between sending and receiving faxes 10 and 12 proceed through the PSTN, Internet 14 and sending and receiving gateways 16 and 18. There is no disclosure of an alternative transmission path between sending and receiving faxes 10 and 12 that utilizes only the PSTN.

Onuma is similarly deficient. Communications to and from terminal 101, which connects to telephone 102 and fax 103, proceed either through PSTN 105 or LAN 106, which may be considered a computer communication network. There is no transmission pathway option that includes both the PSTN and the computer communication network, as is required by claims 5, 6, 17 and 20.

Since Mehta and Onuma, taken alone or in combination, do not disclose or suggest each and every element of claims 5, 6, 17 and 20, it cannot anticipate those claims or claim 12 dependent thereon. The rejections of claims 5, 6, 12, 17 and 20 under 35 USC 103(a) should be withdrawn.

*Claims 7-11, 13, 14 and 18*

Claims 7, 8, 13, 14 and 18 are rejected as obvious over Mehta in view of Onuma and further in view of Amit et al. (US 6,259,538). Claims 7, 8, 13, 14 and 18 depend from claims 5, 6 and 17. Amit is cited for its disclosure of a private branch exchange, and does not remedy the deficiencies of Mehta and Onuma discussed with reference to claims 5, 6 and 17. Thus, claims 7, 8, 13, 14 are allowable for the same reasons as set forth for claims 5, 6 and 17.

Claim 9 is rejected as obvious over Mehta in view of Onuma and Whitfield (US 6,563,599). Claim 9 depends from claim 5. Whitfield is cited for its disclosure of T.38 protocol and does not remedy the deficiencies of Mehta and Onuma discussed with reference to claim 5. Thus, claim 9 is allowable for the same reasons as set forth for claim 5.

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Claims 10 and 11 are rejected as obvious over Mehta in view of Onuma, Amit and Whitfield. Claims 10 and 11 depend indirectly from claims 5 and 6. As discussed above, Amit and Whitfield do not remedy the deficiencies of Mehta and Onuma. Thus, claims 10 and 11 are allowable for the same reasons as set forth for claims 5 and 6.

### Conclusion

This application is now believed to be in condition for allowance. The Examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,  
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